

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: MAKETHA BROWN  
DEBTOR**

**CASE NO: 14-11080  
CHAPTER 13**

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**MOTION FOR CONTEMPT OF DISCHARGE INJUNCTION FILED AGAINST  
PRESTIGE AUTO SALES, RALPH E. PINNER, SR. d/b/a PRESTIGE AUTO  
SALES and RALPH E. PINNER, SR., individually**

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**COMES NOW** the debtor and file this Motion for Contempt of the Discharge Injunction and states as follows:

1. Prestige Auto Sales, LLC, was a limited liability company incorporated in the State of Mississippi on October 25, 2001. It was administratively dissolved in December of 2011, reinstated in March of 2017, then administratively dissolved again in December of 2018.

2. At all times it was not dissolved, the manager and registered agent of Prestige Auto Sales, LLC, was Ralph E. Pinner, Sr.

3. The registered agent's address was PO Box 422; Senatobia, Mississippi 38668.

4. During any times Prestige Auto Sales, LLC was dissolved it continued to operate as a sole proprietorship with Ralph E. Pinner, Sr. being the owner of the business.

5. Prestige filed a lawsuit against Maketha Brown in the Justice Court of Tate County on February 12, 2014. Mr. Pinner signed the Open Account Affidavit.

6. The address for Prestige listed on the Open Account Affidavit was P.O.

Box 422; Senatobia, MS 38668.

7. Ms. Brown filed a chapter 13 bankruptcy with this Court on March 19, 2014, case number 14-11080-JDW.

8. Ms. Brown listed Prestige Auto Sales (hereinafter “Prestige”) on her Schedule F – Creditors Holding Unsecured Nonpriority Claims filed with this Court. *See doc. no. 1.*

9. Ms. Brown provided the address for Prestige as P.O. Box 422; Senatobia, MS 38668 (hereinafter the “P.O. Box”). A copy of the proposed chapter 13 plan was mailed to this address on March 19, 2014.

10. On March 25, 2014, Prestige had a judgement entered against Ms. Brown in the amount of \$2,170.61.

11. On March 31, the Clerk of this Court mailed a copy of the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines to Prestige at the P.O. Box.

12. On May 16, 2014, this Court entered its Order Confirming the Debtor’s Plan, Awarding a Fee to the Debtor’s Attorney and Related Orders. *See doc. no. 19.*

13. On May 19, 2014, the Clerk of this Court caused a copy of the confirmation order to Prestige at the P.O. Box.

14. Ms. Brown paid all amounts due under her confirmed plan and received her chapter 13 discharge on June 5, 2018. The Final Decree/Order Closing Case was entered on August 13, 2018.

15. On November 21, 2018, Mr. Pinner signed and filed a Suggestion for Garnishment with the Justice Court of Tate County for the purpose of garnishing Ms. Brown's paycheck. This resulted in a Writ of Garnishment being issued against Ms. Brown's paycheck for the pre-petition debt owed to Prestige.

16. Debtor did not hear from Prestige or Mr. Pinner about this debt from the time she filed her case until February 4, 2019, when she was informed by her employer they were garnishing her paycheck.

17. Ms. Brown notified the undersigned.

18. On February 11, 2019, Prestige contacted a legal assistant with Fava Firm and asked if they were listed on Ms. Brown's bankruptcy schedules. He advised them that they were, the debt had been discharged and could not be collected. He further advised that if they had any further issues they should contact their legal counsel.

19. On February 19, 2019, the undersigned sent a letter to Prestige demanding they take the necessary actions to cancel the garnishment on Ms. Brown's paycheck. The letter was sent to the P.O. Box, by email to [prstauto@bellsouth.net](mailto:prstauto@bellsouth.net) and by fax at 662-562-8099.

20. Later that day a female employee for Prestige called and asked to speak with the undersigned and they were further advised to contact their legal counsel.

21. Later that day a female employee for Prestige called again and advised a legal assistant with Fava Firm that they would agree to stop the garnishment if

Ms. Brown would agree to pay them \$2,000.00. This offer was obviously declined and they were once again advised to speak with their legal counsel.

22. Ms. Brown's paycheck has been garnished by Prestige for her last two paychecks.

23. The actions of Prestige and Mr. Pinner are in clear violation of the discharge injunction provided in 11 U.S.C. §524. As a result, Prestige and Mr. Pinner are liable to Ms. Brown for actual damages, punitive damages, sanctions and attorney fees.

**WHEREFORE**, debtor prays that this Court hold a hearing and find Prestige and Mr. Pinner in violation of the discharge injunction holding them liable for actual damages, punitive damages, sanctions and attorney fees.

**RESPECTFULLY** submitted, this the 25<sup>th</sup> day of April 2019.

\_\_\_\_\_/s/William L. Fava\_\_\_\_\_  
WILLIAM L. FAVA (MSB# 101348)  
Attorney for Debtor

7165 Swinnea Rd., Bldg. A Ste. 1  
P.O. Box 783  
Southaven, MS 38671  
(662) 536-1116

**CERTIFICATE OF SERVICE**

I, William L. Fava, attorney for the above listed debtor, do hereby certify that I have this day mailed a true and correct copy of the above Motion to the following:

Locke D. Barkley  
Via ECF at [sbeasley@barkley13.com](mailto:sbeasley@barkley13.com)

U.S. Trustee  
Via ECF at [USTPRegion05.AB.ECF@usdoj.gov](mailto:USTPRegion05.AB.ECF@usdoj.gov)

Prestige Auto Sales  
Attn: Ralph E. Pinner, Sr.  
P.O. Box 422  
Senatobia, MS 38668  
Also sent via fax at 662-562-8099

DATED: April 25, 2019

\_\_\_\_\_/s/William L. Fava\_\_\_\_\_  
WILLIAM L. FAVA  
Attorney for Debtor

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